

CANADIAN CHARTER OF RIGHTS AND FREEDOMS

(abstracts)

Chapter C-12

CHARTER OF HUMAN RIGHTS AND FREEDOMS

Preamble

Whereas every human being possesses intrinsic rights and freedoms designed to ensure his protection and development,

Whereas all human beings are equal in worth and dignity, and are entitled to equal protection of the law;

Whereas respect for the dignity of the human being and recognition of his rights and freedoms constitute the foundation of justice and peace;

Whereas the rights and freedoms of the human person are inseparable from the rights and freedoms of others and from the common well-being;

Whereas it is expedient to solemnly declare the fundamental human rights and freedoms in a Charter, so that they may be guaranteed by the collective will and better protected against any violation;

Therefore, Her Majesty, with the advice and consent of the Assemblée nationale du Québec, enacts as follows:

PART I

HUMAN RIGHTS AND FREEDOMS

CHAPTER I

HUMAN RIGHTS AND FREEDOMS

Discrimination exists where such a distinction, exclusion or preference has the effect of nullifying or impairing such right.

1975, c. 6, s. 10; 1977, c. 6, s. 1.

11. No one may distribute, publish or publicly exhibit a notice, symbol or sign involving discrimination, or authorize anyone to do SO.

1975, c. 6, s. 11.

12. No one may, through discrimination, refuse to make a acts. juridical act concerning goods or services ordinarily offered to the public .

1975, c. 6, s. 12.

13. No one may in a juridical act stipulate a clause involving discrimination. Such a clause is deemed without effect

1975, c. 6, s. 13.

14. The prohibitions contemplated in sections 12 and 13 do not apply to the person who leases a room situated in a dwelling if the lessor or his family resides in such dwelling, leases only one room and does not advertise the room for lease by a notice or any other public means of solicitation.

1975, c. 6, s. 14.

15. No one may, through discrimination, inhibit the access of another to public transportation or a public place, such as a commercial establishment, hotel, restaurant, theatre, cinema, park, camping ground or trailer park, or his obtaining the goods and services available there.

1975, c. 6, s. 15.

16. No One may practise discrimination in respect of the hiring, apprenticeship, duration of the probationary period, vocational training, promotion, transfer, displacement, laying-off, suspension, dismissal or conditions of employment of a person or in the establishment of categories or classes of employment.

HUMAN RIGHTS AND FREEDOMS

17. No one may practise discrimination in respect of admission, enjoyment of benefits, suspension or expulsion of a person to, of or from an association of employers or employees or at professional corporation or association of persons carrying same occupation.

1975, c. 6, s. 17.

13. No employment bureau may practise discrimination in employment bureau. of the reception, classification or processing of a job application in any document intended for submitting an application prospective employer. 1975, c. 6, s. 18.

19. Every employer must, without discrimination, grant salary or wages to the members of his personnel who perform equivalent work at the same place.

A difference in salary or wages based on experience, senior years of service, merit, productivity or overtime is not considered discriminatory if such criteria are common to all members of personnel.

1975, c. 6, s. 19.

20. A distinction, exclusion or preference based on the aptitudes, or qualifications required in good faith for an employment, or justified by the charitable, philanthropic, religious, political educational nature of a non-profit institution or of an institution devoted exclusively to the well-being of an ethnic group, is deemed non-discriminatory

1975, c. 6, s. 20.

R.S.C 1985 (Appendix II) (Constitution Act 1982, Part I of Schedule B to the Canada Act, 1982, (UK) 1982, c. 1 A. as amended by SI/84-102, Sch. & 1, gazetted and effective July 11, 1984.

Whereas Canada is founded upon principles that recognize the supremacy of God and the rule of law.

GUARANTEE OF RIGHTS AND FREEDOMS

[110,751] Rights and freedoms in Canada

Sec. 1. The Canadian Charter of Rights and Freedoms guarantees the rights and freedoms set out in it subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.

FUNDAMENTAL FREEDOM

[110,752] Fundamental freedoms

Sec. 2. Everyone has the following fundamental freedoms.

- (a) freedom of conscience and religion;
- (b) freedom of thought, belief opinion and expression, including freedom of the press and other media of communication;
- (c) freedom of peaceful assembly, and
- (d) freedom of association.

DEMOCRATIC RIGHTS

[10,753] Democratic rights of citizens

Sec. 3. Every citizen of Canada has the right to vote in an election of members of the House of Commons or of a legislative assembly and to be qualified for membership there in.

[10,764] Interpreter

Sec. 14. A party or witness in any proceedings who does not understand or speak the language in which the proceedings are conducted or who is deaf has the right to the assistance of an interpreter law

EQUALITY RIGHTS

[10,765] Equality before and under law and equal protection and benefit of law

Sec. 15. (1) Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in Particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or ***mental or physical disability***.

Affirmative action programs

(2) Subsection (1) does not preclude any law, program or activity, that has as its object the amelioration of conditions of disadvantaged individuals or groups including those that are disadvantaged because of race, national or ethnic origin, colour, religion, sex, age or mental or physical disability